

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS <i>OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, AND 30</i>				1. REQUISITION NUMBER SEE SCHEDULE		PAGE 1 OF 20	
2. CONTRACT NO. W912DW-05-P-0385		3. AWARD/EFFECTIVE DATE 26-Sep-2005		4. ORDER NUMBER		5. SOLICITATION NUMBER W912DW-05-Q-0152	
7. FOR SOLICITATION INFORMATION CALL:		a. NAME ANGELA A DEXTER				b. TELEPHONE NUMBER (No Collect Calls) 206-764-6801	
9. ISSUED BY USA ENGINEER DISTRICT, SEATTLE ATTN: CENWS-CT 4735 EAST MARGINAL WAY SOUTH SEATTLE WA 98134-2329 TEL: 206-764-3772 FAX: 206-764-6817		CODE W912DW		10. THIS ACQUISITION IS <input type="checkbox"/> UNRESTRICTED <input checked="" type="checkbox"/> SET ASIDE: 100 % FOR <input checked="" type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> HUBZONE SMALL BUSINESS <input type="checkbox"/> 8(A) NAICS: 211111 SIZE STANDARD:12,0		11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE	
						12. DISCOUNT TERMS Net 30 Days	
						13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)	
						13b. RATING	
						14. METHOD OF SOLICITATION <input checked="" type="checkbox"/> RFQ <input type="checkbox"/> IFB <input type="checkbox"/> RFP	
15. DELIVER TO SUPPLY & FACILITIES MGMT BR. 4735 E. MARGINAL WAY S. SEATTLE WA 98134-2385		CODE G370F00		16. ADMINISTERED BY USA ENGINEER DISTRICT, SEATTLE ANGELA DEXTER PH: 206-764-6801 FAX: 206-764-6817 ANGELA.DEXTER@US.ARMY.MIL SEATTLE WA			
17a. CONTRACTOR/OFFEROR RELIANCE FIRE PROTECTION, INC RYAN SCOTT P O BOX 428 PRESTON WA 98050-0248 TEL. 206-682-6636		CODE 1D1U2 FACILITY CODE 1D1U2		18a. PAYMENT WILL BE MADE BY US ARMY CORPS OF ENGRS FINANCE CENTER CEFC-AO-P 901-874-8556 5722 INTEGRITY DRIVE MILLINGTON TN 38054-5005			
<input type="checkbox"/> 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER		18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a. UNLESS BLOCK BELOW IS CHECKED <input type="checkbox"/> SEE ADDENDUM					
19. ITEM NO.	20. SCHEDULE OF SUPPLIES/ SERVICES			21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
SEE SCHEDULE							
25. ACCOUNTING AND APPROPRIATION DATA See Schedule						26. TOTAL AWARD AMOUNT (For Govt. Use Only) \$2,500.00	
<input type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1. 52.212-4. FAR 52.212-3. 52.212-5 ARE ATTACHED. ADDENDA <input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED <input type="checkbox"/> 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA <input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED							
28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN 0 COPIES <input type="checkbox"/> TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED HEREIN.				29. AWARD OF CONTRACT: REFERENCE <u>Ryan Scott</u> <input checked="" type="checkbox"/> OFFER DATED <u>22-Sep-2005</u> . YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS SEE SCHEDULE			
30a. SIGNATURE OF OFFEROR/CONTRACTOR				31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)		31c. DATE SIGNED	
				<i>Elaine M Ebert</i>		26-Sep-2005	
30b. NAME AND TITLE OF SIGNER (TYPE OR PRINT)		30c. DATE SIGNED		31b. NAME OF CONTRACTING OFFICER (TYPE OR PRINT) ELAINE M EBERT / CONTRACTING OFFICER TEL: (206) 764-3638 EMAIL: elaine.m.ebert@usace.army.mil			

**SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS
(CONTINUED)**

PAGE 2 OF 20

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/ SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	SEE SCHEDULE				

32a. QUANTITY IN COLUMN 21 HAS BEEN

☐ RECEIVED ☐ INSPECTED ☐ ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: _____

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE		32c. DATE	32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE
32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE		32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
		32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE	

33. SHIP NUMBER	34. VOUCHER NUMBER	35. AMOUNT VERIFIED CORRECT FOR	36. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	37. CHECK NUMBER
<input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL				

38. S/R ACCOUNT NUMBER	39. S/R VOUCHER NUMBER	40. PAID BY

41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT		42a. RECEIVED BY (<i>Print</i>)	
41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER		41c. DATE	
		42b. RECEIVED AT (<i>Location</i>)	
		42c. DATE REC'D (YY/MM/DD)	42d. TOTAL CONTAINERS

Section SF 1449 - CONTINUATION SHEET

NOTES

Payment by Millington

Web Invoicing System (WInS)

WInS is an optional online invoicing system providing Department of Defense vendors an electronic means of submitting invoices for payment. Vendor registration for WinS is accomplished through the following DFAS website: <https://ecweb.dfas.mil>

At the website click on NEW Account to register and select "USACE" as the payment system name. The payment office code and location is "TO-UFC Millington". To establish an account in WInS, vendors must be registered with the Central Contractor Registration (CCR).

Verbal Notice to Proceed was given to Ryan Scott on 26 September 2005.

Period of Performance is 27 September 2005 thru 27 October 2005. All work will be completed no later than 27 October 2005 or sooner.

Point of Contact for Whole Barrack is Horace Foxall at 206-764-4482

Point of Contact for Chapel is Tammy Detrixhe at 206-764-3468

Point of Contact for Civil Engineering Lead (Hydrant Testing) is Jim Skrinde at 206-764-3421

Post Security. Fort Lewis installation has requirements for passes for Contractors to perform work on the post. Contractors performing work on Fort Lewis shall, after award, register all vehicles to be used on the installation with the Visitors Registration Section of the Law Enforcement Command. Contractor employees entering the installation in privately owned vehicles (POVs) shall also register their vehicles.

CF:

Contractor: Reliance Fire Protection

Attn: Ryan Scotty, email: ryan@reliancefire.com

Phone: 206-682-6636 Fax: 206-682-6744

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001		1	Lump Sum	\$1,500.00	\$1,500.00

WHOLE BARRACKS RENEWAL FIRE HYDRANT
FFP

Provide all labor, equipment and material to performed fire hydrant testing to assist the Seattle District designers in assessing the adequacy of water pressure and flow to the Whole Barracks Renewal site on 41st Division Drive Northeast to 8th street on the southeast. The site also includes "B" Street on the west and "A" street on the east in accordance with the Statement of Work dated 8 August 2005 with drawing one.

PURCHASE REQUEST NUMBER: W68MD9-5237-4002

NET AMT	\$1,500.00
---------	------------

ACRN AA Funded Amount	\$1,500.00
-----------------------	------------

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0002		1	Lump Sum	\$1,000.00	\$1,000.00

CHAPEL HYDRANT TESTING

FFP

Provide all labor, equipment and material to performed fire hydrant testing to assist Seattle District designers in assessing the adequacy of water pressure and flow to the Chapel Complex site on South Drive and 41st Division Drive in accordance with the attached Statement of Work dated 26 August 2005 under drawing B. The Contractor shall conduct water flow tests to determine available water supply for the water-based fire extinguishing systems per UFC 3-600-01 on two (2) hydrants in the vicinity of the Chapel project site along South Drive in accordance with the drawing.

PURCHASE REQUEST NUMBER: W68MD9-5251-5017

 NET AMT

\$1,000.00

ACRN AB Funded Amount

\$1,000.00

FOB: Destination

ACCOUNTING AND APPROPRIATION DATA

AA: 21520500000 088082 25165072JK32001000000 E314 35026
 COST 000000000000
 CODE:
 AMOUNT: \$1,500.00

AB: 21520500000 088082 3230LF61D832002000000 E314 35026
 COST 000000000000
 CODE:
 AMOUNT: \$1,000.00

STATEMENT OF WORK
Fire Protection Services Whole Barracks Renewal, Phase V
41st Division Drive, Fort Lewis, WA
8 August 2005

1. Description of Work and Services.

1.1 General: Provision of fire hydrant testing to assist the Seattle District designers in assessing the adequacy of water pressure and flow to the Whole Barracks Renewal site on 41st Division Drive Northeast to 8th street on the southeast. The site also includes "B" Street on the west and "A" street on the east. (SEE ATTACHED DRAWING A)

2. Fire Hydrant Testing:

2.2. Conduct water flow tests to determine available water supply for the water-based fire extinguishing systems per UFC 3-600-01 on three (3) hydrants in the vicinity of the Whole Barracks Renewal project site along (see attached Map). Hydrant Locations are as follows: FH # 1- on the corner of 41st Division Drive and "B" street, FH # 2 – on the corner of eight street and "A" street and FH # 3 – located on "D" Street near the corner of eight street.

2.3. The A/E shall employ individuals experienced in water flow testing. Flow test operator shall be responsible for safe operation of hydrants, hoses, water flows, other standard industrial safety considerations, and shall possess an understanding of water system behavior, including water hammer.

2.4. The testing agency shall perform all aspects of the flow test and provide all necessary equipment.

2.5. Seattle District design personnel are required to witness the required flow testing and provide verification of accurately documented results. Fort Lewis Fire Department is required be present at the test. Seattle District shall provide necessary coordination with Fort Lewis upon notification of a testing schedule from the contractor.

2.6. Provide a written description of the procedure to be followed in conduct of the flow test, including nozzle diameters, gage descriptions, and other pertinent information and deliver to the PM one week in advance of the scheduled test (electronic submittal acceptable).

2.7. Provide a brief, written test report (letter report format) of the flow test results, including the test procedure as an addendum. Illustrate with a hand sketch of the location(s) of the hydrants tested including cross streets and other pertinent data. The results shall include, as a minimum, test static pressure, residual pressure and flow data. An informal draft of the information is required as soon as data is collected (electronic is acceptable).

2.8. Report shall be stamped by a professional fire protection engineer attesting to proper and valid conduct of the fire hydrant flow test in accordance with the above-cited UFC and other professional fire protection criteria for the test regimen employed.

2.9. No road closures shall be allowed in conduct of the work.

STATEMENT OF WORK
Hydrant Testing Services for the
Chapel Complex with Educational Facilities
Fort Lewis, WA
Project Number 44772
26Aug 2005

1. Project Data.

1.1 Authorization: The projects are set forth in approved Army construction requests and Design Directives for project number (PN) 44772:
DD Form 1391 dated 26 APR 04, Revised Jun 04 Headquarters, U.S. Army Corps of Engineers Code 3 design directive (Concept Design) issued 27Aug04; Headquarters, U.S. Army Corps of Engineers Code 6 design directive (Full Design) issued 10Mar05

2. Description of Work and Services.

2.1. General: The work contracted for under this modification consists of:
Provision of fire hydrant testing to assist Seattle District designers in assessing the adequacy of water pressure and flow to the Chapel Complex site on South Drive and 41st Division Drive.
(SEE ATTACHED DRAWING B)

3. Fire Hydrant Testing:

3.1. The Contractor shall conduct water flow tests to determine available water supply for the water-based fire extinguishing systems per UFC 3-600-01 on two (2) hydrants in the vicinity of the Chapel project site along South Drive (see Map).

3.2. The Contractor shall employ individuals experienced in water flow testing. Flow test operator shall be responsible for safe operation of hydrants, hoses, water flows, other standard industrial safety considerations, and shall possess an understanding of water system behavior, including water hammer.

3.3. The Contractor shall perform all aspects of the flow test and provide all necessary equipment.

3.4. Seattle District design personnel are required to witness the required flow testing and provide verification of accurately documented results. Fort Lewis Fire Department is required be present at the test. Seattle District shall provide necessary coordination with Fort Lewis upon notification of a testing schedule from the CONTRACTOR.

3.5. The Contractor shall provide a written description of the procedure to be followed in conduct of the flow test, including nozzle diameters, gage descriptions, and other pertinent information and deliver to the PM one week in advance of the scheduled test (electronic submittal acceptable).

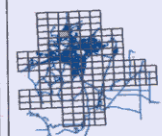
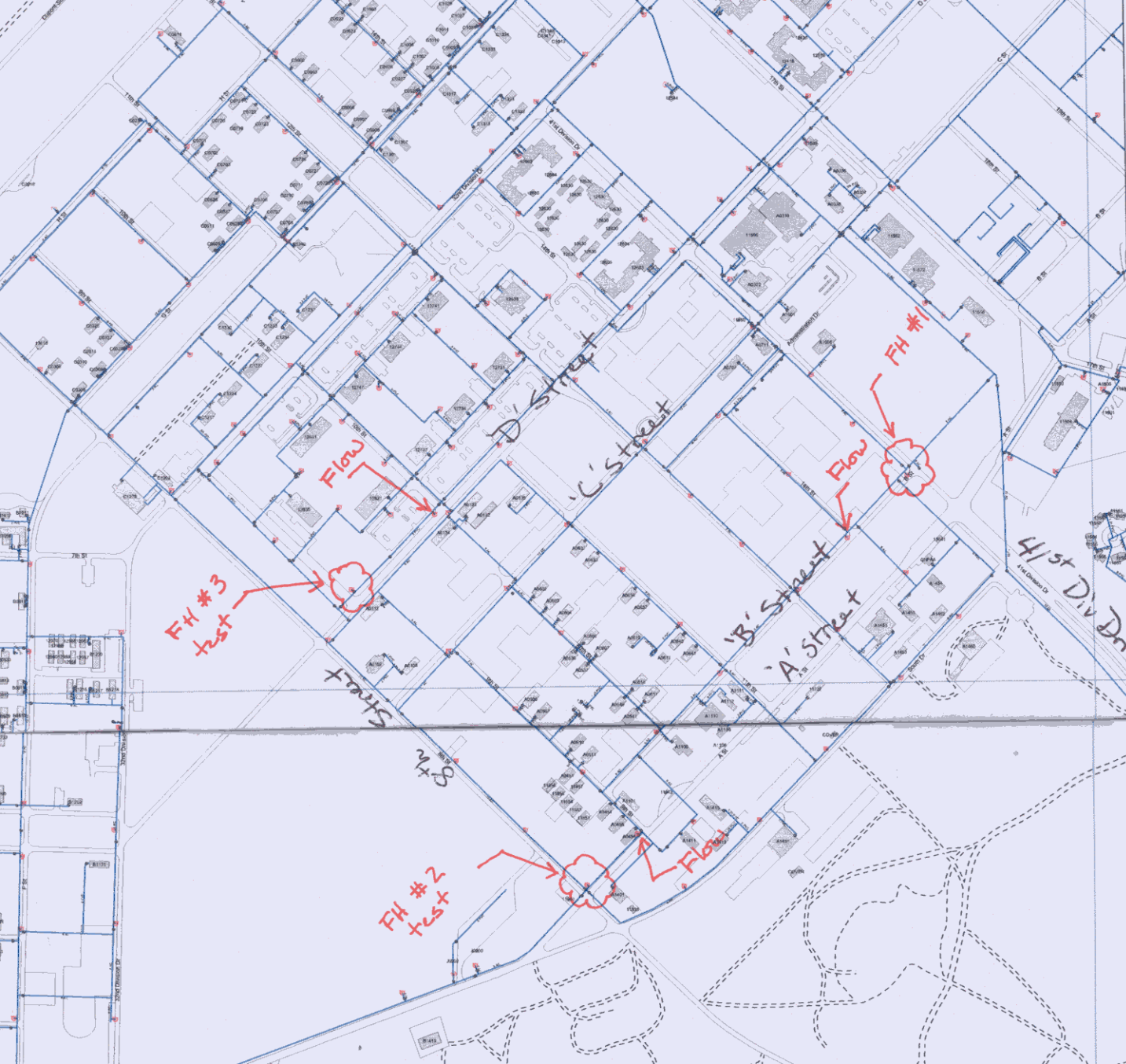
3.6. The Contractor shall provide a brief, written test report (letter report format) of the flow test results, including the test procedure as an addendum. The Contractor shall illustrate with a hand sketch of the location(s) of the hydrants tested including cross streets and other pertinent data. The Contractor shall provide results that include, as a minimum, test static pressure, residual pressure and flow data. The Contractor shall submit an informal draft of the information as soon as data is collected (electronic is acceptable).

3.7. Report shall be stamped by a professional fire protection engineer attesting to proper and valid conduct of the fire hydrant flow test in accordance with the above-cited UFC and other professional fire protection criteria for the test regimen employed.

3.8. No road closures shall be allowed in conduct of the work.

4. **Post Security.** Fort Lewis installation has requirements for passes for Contractors to perform work on the post. Contractors performing work on Fort Lewis shall, after award, register all vehicles to be used on the installation with the Visitors Registration Section of the Law Enforcement Command. Contractor employees entering the installation in privately owned vehicles (POVs) shall also register their vehicles.

4.1. A copy of contract award, proof of liability insurance, current driver's license and state vehicle registration shall be required to register Contractor, subcontractor, and employee vehicles. For further information, contact Vehicle Registration at Waller Hall, Building 2140 (Telephone: (253) 967-5065), Fort Lewis, Washington 98433-9500.



6-2

Potable Water

Date Printed: Aug 27, 2003

- Legend:**
- Cap
 - Air Release Valve
 - Reservoir
 - Hydrant
 - Stand Pipe
 - Hose Bib
 - Blow Off Valve
 - Backflow Valve
 - PI Valve
 - Meter
 - Valve
 - Check Valve
 - Junction Box
 - Manhole
 - Valve Pit
 - Production Well
 - Pipes

6-4



6



CLAUSES INCORPORATED BY REFERENCE

52.212-4	Contract Terms and Conditions--Commercial Items	OCT 2003
52.233-1	Disputes	JUL 2002
52.249-1	Termination For Convenience Of The Government (Fixed Price) (Short Form)	APR 1984
252.204-7004 Alt A	Central Contractor Registration (52.204-7) Alternate A	NOV 2003

CLAUSES INCORPORATED BY FULL TEXT

Successor Contracting Officers (52.201-4001)

The Contracting Officer who signed this contract is the primary Contracting Officer for the contract. Nevertheless, any Contracting Officer assigned to the Seattle District and acting within his/her authority may take formal action on this contract when a contract action needs to be taken and the primary Contracting Officer is unavailable.

52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--COMMERCIAL ITEMS (JUL 2005)

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

(1) 52.233-3, Protest After Award (AUG 1996) (31 U.S.C. 3553).

(2) 52.233-4, Applicable Law for Breach of Contract Claim (OCT 2004) (Pub. L. 108-77, 108-78).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items: (Contracting Officer check as appropriate.)

___ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (JUL 1995), with Alternate I (OCT 1995) (41 U.S.C. 253g and 10 U.S.C. 2402).

___ (2) 52.219-3, Notice of HUBZone Small Business Set-Aside (Jan 1999) (U.S.C. 657a).

___ (3) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (JUL 2005) (if the offeror elects to waive the preference, it shall so indicate in its offer) (U.S.C. 657a).

___ (4) (i) 52.219-5, Very Small Business Set-Aside (JUNE 2003) (Pub. L. 103-403, section 304, Small Business Reauthorization and Amendments Act of 1994).

___ (ii) Alternate I (MAR 1999) to 52.219-5.

- ___ (iii) Alternate II to (JUNE 2003) 52.219-5.
- ___ (5)(i) 52.219-6, Notice of Total Small Business Set-Aside (JUNE 2003) (15 U.S.C. 644).
- ___ (ii) Alternate I (OCT 1995) of 52.219-6.
- ___ (iii) Alternate II (MAR 2004) of 52.219-6.
- ___ (6)(i) 52.219-7, Notice of Partial Small Business Set-Aside (JUNE 2003) (15 U.S.C. 644).
- ___ (ii) Alternate I (OCT 1995) of 52.219-7.
- ___ (iii) Alternate II (MAR 2004) of 52.219-7.
- ___ (7) 52.219-8, Utilization of Small Business Concerns (MAY 2004) (15 U.S.C. 637 (d)(2) and (3)).
- ___ (8)(i) 52.219-9, Small Business Subcontracting Plan (JUL 2005) (15 U.S.C. 637(d)(4)).
- ___ (ii) Alternate I (OCT 2001) of 52.219-9
- ___ (iii) Alternate II (OCT 2001) of 52.219-9.
- ___ (9) 52.219-14, Limitations on Subcontracting (DEC 1996) (15 U.S.C. 637(a)(14)).
- ___ (10)(i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (JUL 2005) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).
- ___ (ii) Alternate I (JUNE 2003) of 52.219-23.
- ___ (11) 52.219-25, Small Disadvantaged Business Participation Program--Disadvantaged Status and Reporting (OCT 1999) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- ___ (12) 52.219-26, Small Disadvantaged Business Participation Program--Incentive Subcontracting (OCT 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- ___ (13) 52.219-27, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside (May 2004).
- x___ (14) 52.222-3, Convict Labor (JUNE 2003) (E.O. 11755).
- ___ (15) 52.222-19, Child Labor--Cooperation with Authorities and Remedies (Jun 2004) (E.O. 13126).
- x___ (16) 52.222-21, Prohibition of Segregated Facilities (FEB 1999).
- x___ (17) 52.222-26, Equal Opportunity (APR 2002) (E.O. 11246).
- ___ (18) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (DEC 2001) (38 U.S.C. 4212).
- ___ (19) 52.222-36, Affirmative Action for Workers with Disabilities (JUN 1998) (29 U.S.C. 793).

___ (20) 52.222-37, Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (DEC 2001) (38 U.S.C. 4212).

___ (21) 52.222-39, Notification of Employee Rights Concerning Payment of Union Dues or Fees (DEC 2004) (E.O. 13201).

___ (22)(i) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (AUG 2000) (42 U.S.C. 6962(c)(3)(A)(ii)).

___ (ii) Alternate I (AUG 2000) of 52.223-9 (42 U.S.C. 6962(i)(2)(C)).

___ (23) 52.225-1, Buy American Act--Supplies (JUNE 2003) (41 U.S.C. 10a-10d).

___ (24)(i) 52.225-3, Buy American Act--Free Trade Agreements--Israeli Trade Act (Jan 2005) (41 U.S.C. 10a-10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, Pub. L. 108-77, 108-78, 108-286).

___ (ii) Alternate I (JAN 2004) of 52.225-3.

___ (iii) Alternate II (JAN 2004) of 52.225-3.

___ (25) 52.225-5, Trade Agreements (Jan 2005) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).

___ (26) 52.225-13, Restrictions on Certain Foreign Purchases (MAR 2005) (E.o.s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of Treasury).

___ (27) 52.225-15, Sanctioned European Union Country End Products (FEB 2000) (E.O. 12849).

___ (28) 52.225-16, Sanctioned European Union Country Services (FEB 2000) (E.O. 12849).

___ (29) 52.232-29, Terms for Financing of Purchases of Commercial Items (FEB 2002) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

___ (30) 52.232-30, Installment Payments for Commercial Items (OCT 1995) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

x___ (31) 52.232-33, Payment by Electronic Funds Transfer--Central Contractor Registration (OCT 2003) (31 U.S.C. 3332).

___ (32) 52.232-34, Payment by Electronic Funds Transfer--Other than Central Contractor Registration (MAY 1999) (31 U.S.C. 3332).

x___ (33) 52.232-36, Payment by Third Party (MAY 1999) (31 U.S.C. 3332).

___ (34) 52.239-1, Privacy or Security Safeguards (AUG 1996) (5 U.S.C. 552a).

___ (35)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (APR 2003) (46 U.S.C. Appx 1241 and 10 U.S.C. 2631).

___ (ii) Alternate I (APR 2003) of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items: [Contracting Officer check as appropriate.]

- x____ (1) 52.222-41, Service Contract Act of 1965, as Amended (JUL 2005) (41 U.S.C. 351, et seq.).
- ____ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (MAY 1989) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).
- ____ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act--Price Adjustment (Multiple Year and Option Contracts) (MAY 1989) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).
- ____ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act--Price Adjustment (February 2002) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).
- ____ (5) 52.222-47, SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreements (CBA) (May 1989) (41 U.S.C. 351, et seq.).
- (d) Comptroller General Examination of Record. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records--Negotiation.
- (1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.
- (2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.
- (3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.
- (e) (1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in paragraphs (i) through (vi) of this paragraph in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause--
- (i) 52.219-8, Utilization of Small Business Concerns (May 2004) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$500,000 (\$1,000,000 for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.
- (ii) 52.222-26, Equal Opportunity (April 2002) (E.O. 11246).
- (iii) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (December 2001) (38 U.S.C. 4212).
- (iv) 52.222-36, Affirmative Action for Workers with Disabilities (June 1998) (29 U.S.C. 793).
- (v) 52.222-39, Notification of Employee Rights Concerning Payment of Union Dues or Fees (DEC 2004) (E.O. 13201).

(vi) 52.222-41, Service Contract Act of 1965, as Amended (Jul 2005), flow down required for all subcontracts subject to the Service Contract Act of 1965 (41 U.S.C. 351, et seq.).

(vii) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (April 2003) (46 U.S.C. Appx 1241 and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

(2) While not required, the contractor May include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(End of clause)

52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

<http://www.acq.osd.mil/dp/dars/dfar.html>

(End of clause)

SERVICE WAGE
94-2567 WA, TACOMA

WAGE DETERMINATION NO: 94-2567 REV (29) AREA: WA, TACOMA

HEALTH AND WELFARE LEVEL - INSURANCE ONLY **OTHER WELFARE LEVEL WD: 94-2568

REGISTER OF WAGE DETERMINATIONS UNDER
THE SERVICE CONTRACT ACT
By direction of the Secretary of Labor

U. S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION
WASHINGTON D. C. 20210

William W. Gross Division of
Director Wage Determinations

Wage Determination No.: 1994-2567
Revision No.: 29
Date Of Revision: 05/23/2005

State: Washington
Area: Washington Counties of Lewis, Pierce, Thurston

Fringe Benefits Required Follow the Occupational Listing	
OCCUPATION CODE - TITLE	MINIMUM WAGE RATE
01000 - Administrative Support and Clerical Occupations	
01011 - Accounting Clerk I	11.92
01012 - Accounting Clerk II	13.23
01013 - Accounting Clerk III	15.44
01014 - Accounting Clerk IV	17.28
01030 - Court Reporter	16.18
01050 - Dispatcher, Motor Vehicle	17.77
01060 - Document Preparation Clerk	13.12
01070 - Messenger (Courier)	11.71
01090 - Duplicating Machine Operator	13.12
01110 - Film/Tape Librarian	13.94
01115 - General Clerk I	10.34
01116 - General Clerk II	11.53
01117 - General Clerk III	14.80
01118 - General Clerk IV	16.82
01120 - Housing Referral Assistant	17.89
01131 - Key Entry Operator I	12.57
01132 - Key Entry Operator II	14.56
01191 - Order Clerk I	12.86
01192 - Order Clerk II	14.04
01261 - Personnel Assistant (Employment) I	13.21
01262 - Personnel Assistant (Employment) II	14.66
01263 - Personnel Assistant (Employment) III	16.20
01264 - Personnel Assistant (Employment) IV	18.61
01270 - Production Control Clerk	18.66
01290 - Rental Clerk	13.89
01300 - Scheduler, Maintenance	15.66
01311 - Secretary I	14.97
01312 - Secretary II	15.92
01313 - Secretary III	17.77
01314 - Secretary IV	21.44
01315 - Secretary V	24.91
01320 - Service Order Dispatcher	16.27
01341 - Stenographer I	14.10
01342 - Stenographer II	16.02
01400 - Supply Technician	19.50
01420 - Survey Worker (Interviewer)	14.73
01460 - Switchboard Operator-Receptionist	12.38
01510 - Test Examiner	16.18
01520 - Test Proctor	16.18
01531 - Travel Clerk I	11.72
01532 - Travel Clerk II	12.77
01533 - Travel Clerk III	13.74

01611 - Word Processor I	13.46
01612 - Word Processor II	15.66
01613 - Word Processor III	16.24
03000 - Automatic Data Processing Occupations	
03010 - Computer Data Librarian	15.66
03041 - Computer Operator I	15.66
03042 - Computer Operator II	16.73
03043 - Computer Operator III	19.24
03044 - Computer Operator IV	21.87
03045 - Computer Operator V	24.27
03071 - Computer Programmer I (1)	16.86
03072 - Computer Programmer II (1)	20.89
03073 - Computer Programmer III (1)	27.62
03074 - Computer Programmer IV (1)	27.62
03101 - Computer Systems Analyst I (1)	27.62
03102 - Computer Systems Analyst II (1)	27.62
03103 - Computer Systems Analyst III (1)	27.62
03160 - Peripheral Equipment Operator	16.59
05000 - Automotive Service Occupations	
05005 - Automotive Body Repairer, Fiberglass	19.80
05010 - Automotive Glass Installer	18.03
05040 - Automotive Worker	20.46
05070 - Electrician, Automotive	21.78
05100 - Mobile Equipment Servicer	18.55
05130 - Motor Equipment Metal Mechanic	21.78
05160 - Motor Equipment Metal Worker	20.46
05190 - Motor Vehicle Mechanic	21.69
05220 - Motor Vehicle Mechanic Helper	18.55
05250 - Motor Vehicle Upholstery Worker	20.46
05280 - Motor Vehicle Wrecker	20.46
05310 - Painter, Automotive	21.12
05340 - Radiator Repair Specialist	20.46
05370 - Tire Repairer	14.81
05400 - Transmission Repair Specialist	21.78
07000 - Food Preparation and Service Occupations	
(not set) - Food Service Worker	9.70
07010 - Baker	14.00
07041 - Cook I	11.74
07042 - Cook II	12.83
07070 - Dishwasher	9.59
07130 - Meat Cutter	18.28
07250 - Waiter/Waitress	9.27
09000 - Furniture Maintenance and Repair Occupations	
09010 - Electrostatic Spray Painter	17.45
09040 - Furniture Handler	15.33
09070 - Furniture Refinisher	17.45
09100 - Furniture Refinisher Helper	15.33
09110 - Furniture Repairer, Minor	16.37
09130 - Upholsterer	18.05
11030 - General Services and Support Occupations	
11030 - Cleaner, Vehicles	11.31
11060 - Elevator Operator	10.92
11090 - Gardener	14.37
11121 - House Keeping Aid I	9.57
11122 - House Keeping Aid II	10.92
11150 - Janitor	11.69
11210 - Laborer, Grounds Maintenance	13.16
11240 - Maid or Houseman	9.57
11270 - Pest Controller	17.30
11300 - Refuse Collector	14.97
11330 - Tractor Operator	14.41
11360 - Window Cleaner	12.32
12000 - Health Occupations	
12020 - Dental Assistant	14.46
12040 - Emergency Medical Technician (EMT)/Paramedic/Ambulance Driver	19.33
12071 - Licensed Practical Nurse I	14.97
12072 - Licensed Practical Nurse II	16.78
12073 - Licensed Practical Nurse III	18.77
12100 - Medical Assistant	13.46

12130 - Medical Laboratory Technician	16.02
12160 - Medical Record Clerk	16.10
12190 - Medical Record Technician	17.63
12221 - Nursing Assistant I	9.66
12222 - Nursing Assistant II	10.72
12223 - Nursing Assistant III	11.85
12224 - Nursing Assistant IV	14.10
12250 - Pharmacy Technician	15.22
12280 - Phlebotomist	14.53
12311 - Registered Nurse I	22.29
12312 - Registered Nurse II	27.51
12313 - Registered Nurse II, Specialist	27.51
12314 - Registered Nurse III	33.23
12315 - Registered Nurse III, Anesthetist	33.23
12316 - Registered Nurse IV	39.92
13000 - Information and Arts Occupations	
13002 - Audiovisual Librarian	21.67
13011 - Exhibits Specialist I	17.58
13012 - Exhibits Specialist II	21.67
13013 - Exhibits Specialist III	26.50
13041 - Illustrator I	17.65
13042 - Illustrator II	21.80
13043 - Illustrator III	26.70
13047 - Librarian	23.99
13050 - Library Technician	14.02
13071 - Photographer I	17.23
13072 - Photographer II	19.32
13073 - Photographer III	23.83
13074 - Photographer IV	29.15
13075 - Photographer V	35.39
15000 - Laundry, Dry Cleaning, Pressing and Related Occupations	
15010 - Assembler	8.75
15030 - Counter Attendant	8.75
15040 - Dry Cleaner	11.00
15070 - Finisher, Flatwork, Machine	8.75
15090 - Presser, Hand	8.75
15100 - Presser, Machine, Drycleaning	8.75
15130 - Presser, Machine, Shirts	8.75
15160 - Presser, Machine, Wearing Apparel, Laundry	8.75
15190 - Sewing Machine Operator	11.72
15220 - Tailor	12.42
15250 - Washer, Machine	9.50
19000 - Machine Tool Operation and Repair Occupations	
19010 - Machine-Tool Operator (Toolroom)	21.88
19040 - Tool and Die Maker	25.19
21000 - Material Handling and Packing Occupations	
21010 - Fuel Distribution System Operator	22.09
21020 - Material Coordinator	17.59
21030 - Material Expediter	17.59
21040 - Material Handling Laborer	15.41
21050 - Order Filler	12.87
21071 - Forklift Operator	18.06
21080 - Production Line Worker (Food Processing)	17.95
21100 - Shipping/Receiving Clerk	15.70
21130 - Shipping Packer	15.70
21140 - Store Worker I	13.51
21150 - Stock Clerk (Shelf Stocker; Store Worker II)	17.05
21210 - Tools and Parts Attendant	18.06
21400 - Warehouse Specialist	17.95
23000 - Mechanics and Maintenance and Repair Occupations	
23010 - Aircraft Mechanic	22.71
23040 - Aircraft Mechanic Helper	18.64
23050 - Aircraft Quality Control Inspector	23.42
23060 - Aircraft Servicer	19.96
23070 - Aircraft Worker	21.03
23100 - Appliance Mechanic	21.36
23120 - Bicycle Repairer	14.81
23125 - Cable Splicer	27.56
23130 - Carpenter, Maintenance	23.90

23140 - Carpet Layer	20. 46
23160 - Electrician, Maintenance	28. 34
23181 - Electronics Technician, Maintenance I	20. 74
23182 - Electronics Technician, Maintenance II	23. 58
23183 - Electronics Technician, Maintenance III	25. 30
23260 - Fabric Worker	18. 55
23290 - Fire Alarm System Mechanic	19. 80
23310 - Fire Extinguisher Repairer	18. 43
23340 - Fuel Distribution System Mechanic	21. 78
23370 - General Maintenance Worker	16. 94
23400 - Heating, Refrigeration and Air Conditioning Mechanic	20. 37
23430 - Heavy Equipment Mechanic	24. 48
23440 - Heavy Equipment Operator	25. 60
23460 - Instrument Mechanic	22. 62
23470 - Laborer	11. 17
23500 - Locksmith	19. 24
23530 - Machinery Maintenance Mechanic	21. 61
23550 - Machinist, Maintenance	19. 43
23580 - Maintenance Trades Helper	12. 47
23640 - Millwright	23. 91
23700 - Office Appliance Repairer	21. 41
23740 - Painter, Aircraft	18. 88
23760 - Painter, Maintenance	17. 45
23790 - Pipefitter, Maintenance	24. 16
23800 - Plumber, Maintenance	21. 88
23820 - Pneudraulic Systems Mechanic	22. 17
23850 - Rigger	22. 17
23870 - Scale Mechanic	21. 41
23890 - Sheet-Metal Worker, Maintenance	23. 68
23910 - Small Engine Mechanic	17. 99
23930 - Telecommunication Mechanic I	19. 80
23931 - Telecommunication Mechanic II	22. 45
23950 - Telephone Lineman	19. 00
23960 - Welder, Combination, Maintenance	19. 10
23965 - Well Driller	21. 78
23970 - Woodcraft Worker	21. 90
23980 - Woodworker	16. 91
24000 - Personal Needs Occupations	
24570 - Child Care Attendant	10. 33
24580 - Child Care Center Clerk	13. 41
24600 - Chore Aid	10. 08
24630 - Homemaker	14. 91
25000 - Plant and System Operation Occupations	
25010 - Boiler Tender	20. 77
25040 - Sewage Plant Operator	24. 12
25070 - Stationary Engineer	20. 77
25190 - Ventilation Equipment Tender	16. 12
25210 - Water Treatment Plant Operator	24. 12
27000 - Protective Service Occupations	
(not set) - Police Officer	26. 14
27004 - Alarm Monitor	19. 07
27006 - Corrections Officer	20. 71
27010 - Court Security Officer	25. 57
27040 - Detention Officer	23. 51
27070 - Firefighter	25. 24
27101 - Guard I	10. 29
27102 - Guard II	15. 05
28000 - Stevedoring/Longshoremen Occupations	
28010 - Blocker and Bracer	20. 66
28020 - Hatch Tender	20. 66
28030 - Line Handler	20. 66
28040 - Stevedore I	20. 19
28050 - Stevedore II	21. 57
29000 - Technical Occupations	
21150 - Graphic Artist	21. 29
29010 - Air Traffic Control Specialist, Center (2)	32. 84
29011 - Air Traffic Control Specialist, Station (2)	22. 64
29012 - Air Traffic Control Specialist, Terminal (2)	24. 95
29023 - Archeological Technician I	19. 95

29024 - Archeological Technician II	22.10
29025 - Archeological Technician III	27.21
29030 - Cartographic Technician	24.74
29035 - Computer Based Training (CBT) Specialist/ Instructor	28.23
29040 - Civil Engineering Technician	23.40
29061 - Drafter I	15.87
29062 - Drafter II	17.83
29063 - Drafter III	19.94
29064 - Drafter IV	24.70
29081 - Engineering Technician I	15.93
29082 - Engineering Technician II	17.87
29083 - Engineering Technician III	20.17
29084 - Engineering Technician IV	24.99
29085 - Engineering Technician V	30.56
29086 - Engineering Technician VI	36.96
29090 - Environmental Technician	22.33
29100 - Flight Simulator/Instructor (Pilot)	33.64
29160 - Instructor	26.63
29210 - Laboratory Technician	18.55
29240 - Mathematical Technician	24.04
29361 - Paralegal/Legal Assistant I	19.54
29362 - Paralegal/Legal Assistant II	22.01
29363 - Paralegal/Legal Assistant III	24.42
29364 - Paralegal/Legal Assistant IV	26.37
29390 - Photooptics Technician	26.67
29480 - Technical Writer	26.29
29491 - Unexploded Ordnance (UXO) Technician I	20.88
29492 - Unexploded Ordnance (UXO) Technician II	25.26
29493 - Unexploded Ordnance (UXO) Technician III	30.28
29494 - Unexploded (UXO) Safety Escort	20.88
29495 - Unexploded (UXO) Sweep Personnel	20.88
29620 - Weather Observer, Senior (3)	20.88
29621 - Weather Observer, Combined Upper Air and Surface Programs (3)	17.84
29622 - Weather Observer, Upper Air (3)	17.84
31000 - Transportation/ Mobile Equipment Operation Occupations	
31030 - Bus Driver	16.85
31260 - Parking and Lot Attendant	9.85
31290 - Shuttle Bus Driver	13.42
31300 - Taxi Driver	10.57
31361 - Truckdriver, Light Truck	13.42
31362 - Truckdriver, Medium Truck	17.99
31363 - Truckdriver, Heavy Truck	18.69
31364 - Truckdriver, Tractor-Trailer	18.69
99000 - Miscellaneous Occupations	
99020 - Animal Caretaker	11.73
99030 - Cashier	12.33
99041 - Carnival Equipment Operator	11.14
99042 - Carnival Equipment Repairer	11.98
99043 - Carnival Worker	8.83
99050 - Desk Clerk	10.80
99095 - Embalmer	22.36
99300 - Lifeguard	10.97
99310 - Mortician	22.36
99350 - Park Attendant (Aide)	13.78
99400 - Photofinishing Worker (Photo Lab Tech., Darkroom Tech)	18.30
99500 - Recreation Specialist	12.93
99510 - Recycling Worker	16.94
99610 - Sales Clerk	10.97
99620 - School Crossing Guard (Crosswalk Attendant)	15.02
99630 - Sport Official	10.57
99658 - Survey Party Chief (Chief of Party)	27.75
99659 - Surveying Technician (Instr. Person/Surveyor Asst./Instr.)	22.18
99660 - Surveying Aide	16.19
99690 - Swimming Pool Operator	12.62
99720 - Vending Machine Attendant	13.20
99730 - Vending Machine Repairer	16.85
99740 - Vending Machine Repairer Helper	14.41

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$2.87 an hour or \$114.80 a week or \$497.47 a month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year: New Year's Day, Martin Luther King Jr.'s Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4.174)

THE OCCUPATIONS WHICH HAVE PARENTHESES AFTER THEM RECEIVE THE FOLLOWING BENEFITS (as numbered):

1) Does not apply to employees employed in a bona fide executive, administrative, or professional capacity as defined and delineated in 29 CFR 541. (See CFR 4.156)

2) **APPLICABLE TO AIR TRAFFIC CONTROLLERS ONLY - NIGHT DIFFERENTIAL:** An employee is entitled to pay for all work performed between the hours of 6:00 P.M. and 6:00 A.M. at the rate of basic pay plus a night pay differential amounting to 10 percent of the rate of basic pay.

3) **WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY:** If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges. A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

**** NOTES APPLYING TO THIS WAGE DETERMINATION ****

Under the policy and guidance contained in All Agency Memorandum No. 159, the Wage and Hour Division does not recognize, for section 4(c) purposes, prospective wage rates and fringe benefit provisions that are effective only upon such contingencies as "approval of Wage and Hour, issuance of a wage determination, incorporation of the wage determination

in the contract, adjusting the contract price, etc." (The relevant CBA section) in the collective bargaining agreement between (the parties) contains contingency language that Wage and Hour does not recognize as reflecting "arm's length negotiation" under section 4(c) of the Act and 29 C.F.R. 5.11(a) of the regulations. This wage determination therefore reflects the actual CBA wage rates and fringe benefits paid under the predecessor contract. Source of Occupational Title and Descriptions: The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations," Fourth Edition, January 1993, as amended by the Third Supplement, dated March 1997, unless otherwise indicated. This publication may be obtained from the Superintendent of Documents, at 202-783-3238, or by writing to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies of specific job descriptions may also be obtained from the appropriate contracting officer.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)} Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C)(vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed. The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation(s) and computes a proposed rate(s).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title(s), a Federal grade equivalency (FGE) for each proposed classification(s), job description(s), and rationale for proposed wage rate(s), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees. Information required by the Regulations must be submitted on SF 1444 or bond paper. When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.